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or sanitary districts of East or West Durham, where the same is to be delivered to such dairyman or dealer outside of the limits of said city, shall be required to procure a special permit from the division of meat and milk inspector before being allowed to do so. When application is made for such special permit as required in this section, the meat and milk inspector may at his discretion grant such a permit if he is satisfied that the laws and ordinances of the city of Durham and the sanitary districts of East and West Durham will be conformed to by the applicant.

**Ice Cream—Manufacture, Care, and Sale. (Reg. Bd. of H., July 5, 1915.)**

SEC. 54. *Ice cream.*—No ice cream shall be manufactured or stored in any portion of a building which is used for the stabling of horses or other animals, or in any room used in whole or in part for domestic or sleeping purposes unless the manufacturing and storage room for ice cream is separated from other parts of the building to the satisfaction of the department of health.

SEC. 55. All rooms in which ice cream is manufactured or stored shall be provided with tight walls and floors and kept constantly clean, and shall be properly lighted, ventilated, and shall be screened from May 1 to November 1. The walls and floors of said rooms shall be of such construction as to permit rapid and thorough cleaning. The room or rooms aforesaid shall be equipped with appliances for washing and sterilizing all utensils employed in the mixing, freezing, storage, sale, or distribution of ice cream, and all such utensils after each use shall be thoroughly washed and sterilized with boiling water or live steam. Vessels used in the manufacture and sale of ice cream shall not be employed as containers for other substances than ice cream or ice-cream products.

SEC. 56. All establishments in which ice cream is manufactured shall be equipped with facilities for the proper cleansing of the hands of the operatives, and all persons immediately before engaging in the mixing of the ingredients entering into the composition of ice cream or its subsequent freezing and handling shall thoroughly wash his or her hands and keep them cleanly during such manufacture and handling. All persons shall be dressed in clean outer garments while engaged in the manufacture and handling of ice cream.

SEC. 57. All vehicles or conveyances of any kind used for the transportation or delivery of ice cream shall be kept in a cleanly condition and free from offensive odors.

SEC. 58. No urinal, water-closet, or privy shall be located in the rooms mentioned in the preceding section or so situated as to pollute the atmosphere of such rooms.

SEC. 59. Containers in which ice cream is delivered to consumers or other customers that are to be returned to the person or firm delivering same shall be washed or cleansed immediately after emptying and before their return.

SEC. 60. Ice for sale in any shop, restaurant, or other establishment shall be stored in a covered box or refrigerator. Such box or refrigerator shall be properly drained and cared for and shall be kept tightly closed except during such intervals as are necessary for the introduction or removal of ice cream or ice, and they shall be kept only in such locations and under such conditions as shall be approved by the department of health.

SEC. 61. No person, firm, or corporation shall manufacture for sale, keep for sale, sell, barter, exchange, or deal in ice cream which contains any substance other than milk, cream, sugar, eggs, and some neutral flavoring, gelatin, or pure vegetable gums, or which contains less than the required amount of butter fat as hereinafter provided. It shall be unlawful to manufacture for sale, sell, barter, or deal in adulterated ice cream.

SEC. 62. Ice cream shall be deemed to be adulterated within the meaning of this ordinance if it shall contain salts of copper, oxide of iron, ochers, or any coloring

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substances deleterious to health, or if it shall contain boric acid, formalin, saccharine, or any other added substance that is deleterious to health, or if it contains flavoring matter not true to name, or if it be an imitation of or offered for sale under the name of another article.

SEC. 63. Nothing in the preceding sections of this ordinance shall be construed to prevent the use of one-half of 1 per cent of pure gelatin, gum tragacanth, or other pure vegetable gums.

SEC. 64. All cream, milk, or skimmed milk used in the manufacture of ice cream shall before use be kept at a temperature not higher than 50° Fahrenheit, nor shall any unclean or contaminated cream, milk, or skimmed milk be used in the manufacture of such ice cream, nor any old or melted ice cream or ice cream that has been returned to the manufacturer from whatever cause, shall again be used in the ice cream mixture.

SEC. 65. No ice cream shall be manufactured for sale, sold or offered for sale, exchanged, or delivered in the city of Durham or the sanitary districts of East or West Durham that shall contain less than 10 per cent of butter fat for plain ice cream and not less than 8 per cent for nut or fruit ice cream, unless the person, firm, or corporation offering or exposing for sale shall have the container properly labeled in a conspicuous place the exact amount of milk fat contained therein. All ice cream sold or offered for sale in the city of Durham or the sanitary districts of East or West Durham containing less than 10 per cent of milk fat for plain ice cream and 8 per cent for fruit or nut ice cream shall be classed as an "under standard product," and in no case shall the per cent of milk fat be lower than 3.5 per cent.

The sale of a product as ice cream containing gelatin, eggs, gum tragacanth or other vegetable gum, or the sale of a product as ice cream which contains less than the required per cent of milk fat will not be contested, provided the same is labeled and sold as such.

All public places offering or exposing for sale any ice cream which is below the required standard in milk fat or containing ingredients not found in pure ice cream shall have posted in a conspicuous place in the room where any and all persons purchasing cream may see the same, a placard printed in plain black letters, not less than 1 inch in size, on a white background, the following:

RULINGS OF THE STATE BOARD OF AGRICULTURE UNDER THE FOOD LAW IN REGARD TO THE MANUFACTURE  
OR SALE OF ICE CREAM.

Under standard ice cream served here.

Imitation ice cream is served here.

Compound ice cream served here.

SEC. 66. It shall be the duty of the officers of the department of health to make inspections from time to time of all places in the city of Durham or the sanitary districts of East or West Durham where ice cream is manufactured for sale, sold or disposed of in any manner, to see that the law is being complied with constantly. All such officers shall have the right at any time to enter and have full access, ingress, and egress to all places where ice cream is manufactured for sale, or sold or disposed of in any manner; to all wagons, carriages, or other vehicles or conveyances of any kind used in the transportation or delivery of ice cream; to any factory, room, building, or depot, establishments or places of any kind; to all packages, containers, refrigerators, or receptacles of any kind containing ice cream for sale, for the purpose of inspecting their condition or to secure or to take therefrom samples for the purpose of testing or analyzing same.

SEC. 67. It shall be unlawful for any person to sell, offer for sale, or have in his care, custody, or control, with intent to sell, any ice cream within the limits of the city of Durham or the sanitary districts of East or West Durham that is adulterated or that

was manufactured in violation of the provisions of this ordinance. All such ice cream shall be confiscated and destroyed by the officers of the department of health on ascertaining that the same is adulterated or made contrary to the provisions of this ordinance. No person shall sell, offer for sale or have in his or her care, custody, control, or possession with intent to sell, any ice cream in any container which is falsely labeled or branded as to the name of the manufacturer thereof, or to misrepresent in any way the place of manufacture of ice cream or the manufacturer thereof.

SEC. 68. Every person engaged in the manufacture, storage, transportation, sale, or distribution of ice cream in the city of Durham or the sanitary districts of East or West Durham, immediately on the occurrence of any case or cases of infectious disease, either in himself, in his family or amongst his employees, or within the building or premises where ice cream is manufactured, stored, sold, or distributed, shall notify the department of health and at the same time shall suspend the sale or distribution of ice cream until authorized to resume the same by the department of health. No vessels which have been handled by persons suffering from such disease shall be used to hold or convey ice cream until they have been thoroughly sterilized.

**Penalty. (Reg. Bd. of H., July 5, 1915.)**

SEC. 69. *Penalty.*—Any person, firm, or corporation violating any provision of any section of this ordinance shall, upon conviction for such offense, be punished according to and within the limits prescribed in section 3453 of the revisal of 1905 and sections amendatory thereof of North Carolina.

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